

REMARKS/ARGUMENTS

Status of the Claims

Claims 20-63 are currently pending in the application. Claims 20, 32, 44, and 62-63 are independent. Applicants request reconsideration and allowance of the pending claims.

Applicants herein incorporate by reference, in their entirety, any and all previous remarks related to the pending rejections and references.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 20-63 under 35 U.S.C. § 103(a) as being unpatentable over Autermann (U.S. Patent No. 6,232,874 hereinafter, "Autermann") in view of Murphy (U.S. Patent No. 6,232,874 hereinafter "Murphy") and Tamir (U.S. Patent Publication No. 2004/0220807 hereinafter "Tamir") and further in view of Joao (U.S. Publication No. 2003/0206102 hereinafter, "Joao"). Applicants respectfully traverse these rejections.

Claims 20, 32, and 44 recite, *inter alia*, "transmitting said vehicle operator identification information to a remote location for validation and receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator." (Emphasis added). Applicants respectfully submit that none of the cited references, either individually or in combination, teach or suggest all of the features of independent claims 20, 32, and 44.

In the current office action, the Examiner admits that Autermann does not “explicitly disclose a reply message” having the above recited features. In an attempt to cure the deficiencies of Autermann, the Examiner cites Murphy, Tamir, and Joao. In response, Applicants again submit that the combination of Tamir with Autermann and Murphy is improper. For example, as the Examiner indicates, Tamir teaches “performing validation at the local user’s device,” which Applicants submit is completely the opposite of what is recited in claims 20, 32, and 44. In addition, if the combination of Autermann, Murphy, and Tamir is improper, then adding Joao also results in an improper combination.

Even if the combination of references is proper, Joao, which is a newly cited reference, allegedly teaches “specifying at least one action to be taken to indicate the validation of the vehicle operator.” OA at 4. Without admitting whether Joao teaches what the Examiner alleges, Applicants submit that independent claims 20, 32, and 44 recite “specifying at least one action to be taken to indicate the validation to the vehicle operator,” (emphasis added) not “of the operator.” Joao does not teach or suggest specifying an action to be taken so as to indicate the validation to the vehicle operator, nor does the Examiner allege such a teaching. The Examiner also does not indicate where such a teaching can be found in any of the other cited references.

Therefore, Applicants submit that none of the cited references, either individually or in combination, teach or suggest all of the features of independent claims 20, 32, and 44 and thus these claims are allowable. Also, Applicants submit that dependent claims 21-31, 33-43, and 45-61 are also allowable, at least for depending from allowable base claims.

With respect to independent claims 62 and 63, Applicants submit that none of the cited references teach or suggest all of the features of independent claims 62-63. For example, claim

62 recites, *inter alia*, “configured to generate a notification of the validation and to transmit the notification to a third party” and claim 63 recites similar features. In the office action, the Examiner alleges that the recitation of “generating a notification of the validation for a third party” is a design choice. OA at 4. Applicants respectfully disagree. The Examiner may not simply allege that the validation can be transmitted or received anywhere without support then conclude this feature is a design choice. In addition, Applicants submit that design choice relates to ornamentation, not to functionality as appears to be alleged by the Examiner. See, MPEP §2144.04. Further, claims 62 and 63 positively recite that the validation is transmitted to a third party (e.g., a dispatcher, the vehicle owner, etc. instead of the vehicle operator) from a remote location, which is not taught by any of the references. Therefore, Applicants submit that independent claims 62-63 are also allowable over the cited art.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Such allowance is respectfully solicited.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 17-0026.

Respectfully submitted,

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By: _____



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